

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JUSTIN HACKETT,	§
	§
Defendant Below-	§ No. 633, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0405000023
Plaintiff Below-	§
Appellee.	§

Submitted: January 11, 2006

Decided: January 31, 2006

Before **HOLLAND, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 31st day of January 2006, it appears to the Court that:

(1) On December 27, 2005, the Court received the appellant's notice of appeal from a Superior Court order, dated August 18, 2005, which denied his motion for modification of sentence. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before September 19, 2005.

(2) The Assistant Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not

be dismissed as untimely filed.¹ The appellant filed a response to the notice to show cause on January 11, 2006. The appellant contends that his appeal is untimely because his attorney never informed him that the Superior Court had denied his motion.

(3) Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.³ An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, and is not attributable to himself or his lawyer, his appeal cannot be considered.⁵

(4) There is nothing in the record to reflect that appellant's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the

¹Supr. Ct. R. 6(a) (ii).

²*Carr v. State*, 554 A.2d 778, 779 (Del.), cert. denied, 493 U.S. 829(1989).

³Supr. Ct. R. 10(a).

⁴*Carr v. State*, 554 A.2d at 779.

⁵*Bey v. State*, Del. Supr., 402 A.2d 362, 363 (1979).

general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
____ Justice